



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

July 27, 2023

**VIA ECF**

Hon. Colleen McMahon  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

***Re: Kergil v. Bureau of Prisons et al, 23 Civ. 5949 (CM)***

Dear Judge McMahon,

This office represents the respondent, Federal Bureau of Prisons (“BOP” or “Respondent”), in this Section 2241 action brought by Petitioner James Kevin Kergil (“Petitioner” or “Kergil”), an inmate of BOP currently in home confinement. In his Petition, Kergil seeks to compel the BOP to apply his credits earned under the First Step Act (“FSA”), release him from home confinement, and commence his supervised release. ECF No. 1. The Court ordered the Government to file a response by July 27, 2023. ECF No. 3.

Upon its review of the Petition and Kergil’s records, BOP is likely to provide Kergil the relief he is seeking. However, BOP needs more time to finalize its procedures. Accordingly, I write to respectfully request a two-day extension to July 31, 2023, for BOP to respond to Kergil’s petition. If the Court grants the extension and Kergil is released during that time, BOP will ask the Court to deny the petition as moot.

Thank you for your consideration of this request.

Respectfully submitted,

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for the Southern District of New York

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